

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail****Mail Stop ISSUE FEE****Commissioner for Patents****P.O. Box 1450****Alexandria, Virginia 22313-1450**or **Fax****(571) 273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Legibly mark-up with any corrections or use Block 1)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

01/31/2006 EFLORSEI 00000005 061050 09755136 01/17/2006

01 FC:2501 700.00 DA

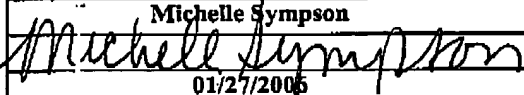
02 FC:1504 300.00 DA

**FISH & RICHARDSON P.C.****P.O. Box 1022****Minneapolis, MN 55440-1022**

03 FC:8001 30.00 DA

**Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO, on the date indicated below.

**Michelle Simpson** (Depositor's name)  
 (Signature)  
 01/27/2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,136	01/08/2001	Winston L. Way	14723-004001	4981

TITLE OF INVENTION: IN-BAND WAVELENGTH CONVERSION WAVELENGTH BUFFERING AND MULTI-PROTOCOL LAMBDA SWITCHING

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
Nonprovisional	No Yes	\$1400 \$700	\$300	\$1700 \$1000	04/17/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
LI, SHI K.	2633	

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. Fish &amp; Richardson P.C.

2.

3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE (CITY and STATE OR COUNTRY)

OpVista Incorporated

Irvine, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ individual ☐ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 10

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment, to Deposit Account Number 06-1050 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered agent or, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

(Authorized Signature)

(Date)

January 27, 2006

Typed or Printed Name Bing Ai

Registration No. 43,312

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)

SUBSTITUTE PTOL-85 (Rev. 12/04) Approved for use through 04/30/2007.

OMB 0651-0033

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

JAN 27 2006

Attorney's Docket No.: 14723-004001

**OFFICIAL COMMUNICATION FACSIMILE:**

**OFFICIAL FAX NO: (571) 273-8300**

Number of pages including this page 3

Applicant : Winston I. Way  
Serial No. : 09/755,136  
Filed : January 8, 2001

Art Unit : 2633  
Examiner : Shi K. Li

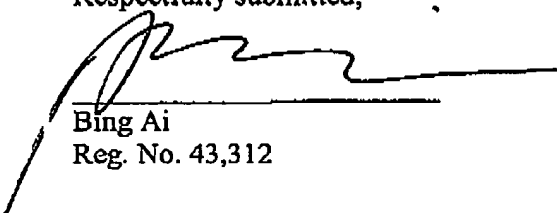
Title : In-band wavelength conversion wavelength buffering and multi-protocol lambda switching

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Attached to this facsimile communication cover sheet is Response to Notice of Allowance and Form PTOL-85 Fee Transmittal, faxed this 27<sup>th</sup> day of January, 2006, to the United States Patent and Trademark Office.

Respectfully submitted,

Date: January 27, 2006

  
Bing Ai  
Reg. No. 43,312

Fish & Richardson P.C.  
PTO Customer No. 20985  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Fax: (858) 678-5099

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JAN 27 2006

Attorney's Docket No.: 14723-004001

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Winston I. Way  
Serial No. : 09/755,136  
Filed : January 8, 2001  
Art Unit : 2633  
Examiner : Shi K. Li  
Confirmation No.: 4981  
Notice of Allowance Date: 1/17/2006  
Title : IN-BAND WAVELENGTH CONVERSION WAVELENGTH BUFFERING  
AND MULTI-PROTOCOL LAMBDA SWITCHING

**MAIL STOP ISSUE FEE**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF ALLOWANCE

In response to the Notice of Allowance mailed January 17, 2006, enclosed is a completed issue fee transmittal form PTOL-85b. Please apply a fee of \$700 for the issue fee, a fee of \$300 for the publication fee, and a fee of \$30 for patent copies, and any other applicable charges or credits, to Deposit Account No. 06-1050.

This application is entitled to small entity status.

Respectfully submitted,

Date: January 27, 2006

Bing Ai  
Reg. No. 43,312

Fish & Richardson P.C.  
PTO Customer No. 20985  
12390 El Camino Real  
San Diego, California 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099  
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## CERTIFICATE OF TRANSMISSION BY FACSIMILE

I hereby certify that this correspondence is being transmitted by facsimile to the Patent and Trademark Office on the date indicated below.

Date of Transmission January 27, 2006  
Signature Michelle Simpson

Michelle Simpson  
Typed or Printed Name of Person Signing Certificate